

April 6, 2021

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1388

In lieu of the amendments adopted by the Senate as printed on pages 1060 through 1066 of the Senate Journal, Reengrossed House Bill No. 1388 is amended as follows:

Page 1, line 1, after "to" insert "create and enact a new subsection to section 15.1-06-04, a new section to chapter 15.1-07, a new section to chapter 15.1-13, and a new section to chapter 15.1-21 of the North Dakota Century Code, relating to virtual learning, school calendar length, reading competency requirements, and teacher professional development and licensure; to"

Page 1, line 1, replace "sections" with "section"

Page 1, line 1, after the first comma insert "subsection 4 of section 15.1-06-04, subdivision e of subsection 1 of section 15.1-06-06, section 15.1-06-13, subsection 2 of section 15.1-09.1-02.1, and sections 15.1-20-01,"

Page 1, line 1, remove the second "and"

Page 1, line 1, after "15.1-27-04.1" insert ", 15.1-27-35, and 15.1-31-07"

Page 1, line 3, remove "and"

Page 1, line 4, after "rates" insert ", student attendance and enrollment, school approval, school compliance, regional education association services, average daily membership, and school calendars; to provide for a legislative management study; to provide for a legislative management report"

Page 1, line 5, replace "provide an appropriation" with "provide an effective date"

Page 2, line 14, remove "and"

Page 2, line 16, remove the overstrike over "~~An individual employed as a public school principal;~~" and insert immediately thereafter "and"

Page 2, line 17, after "(5)" insert "(4)"

Page 3, after line 29, insert:

**"SECTION 2. AMENDMENT.** Subsection 4 of section 15.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

4. For purposes of this section, a full day of instruction at a physical school plant consists of:
  - a. At least five and one-half hours for kindergarten and elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and
  - b. At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.

**SECTION 3.** A new subsection to section 15.1-06-04 of the North Dakota Century Code is created and enacted as follows:

If a school district intends to provide virtual instruction, the instruction must comply with the requirements under subsection 4. The attendance of students participating in virtual instruction must be verified by monitoring the student's progress on academic pacing guides developed by the school district to ensure students are in attendance and receiving sufficient curricular instruction, as defined in rules adopted by the superintendent of public instruction.

**SECTION 4. AMENDMENT.** Subdivision e of subsection 1 of section 15.1-06-06 of the North Dakota Century Code is amended and reenacted as follows:

- e. The physical school plant has been inspected by the state fire marshal or the state fire marshal's designee in accordance with section 15.1-06-09 and:
  - (1) Has no unremedied deficiency; or
  - (2) Has deficiencies that have been addressed in a plan of correction which was submitted to and approved by the state fire marshal or the state fire marshal's designee;

**SECTION 5. AMENDMENT.** Section 15.1-06-13 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-06-13. Schools - Compliance with health, safety, and sanitation requirements.**

The superintendent of each school district shall ensure that the ~~schools~~physical school plants in the district comply with all health, safety, and sanitation requirements.

**SECTION 6.** A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

**School districts - Policy - Virtual learning - Report to legislative management.**

The board of a school district or governing board of a nonpublic school that operates a physical school plant may adopt a policy to allow students to engage in virtual instruction and in the case of a school district, qualify for average daily membership in the district. The superintendent of public instruction shall adopt rules governing policies under this section. A policy adopted by a school district under this section must comply with the rules adopted by the superintendent of public instruction. The superintendent of public instruction shall provide biennial reports to the legislative management regarding the academic performance metrics of students participating in virtual instruction under this section.

**SECTION 7. AMENDMENT.** Subsection 2 of section 15.1-09.1-02.1 of the North Dakota Century Code is amended and reenacted as follows:

- 2. Subsection 1 does not preclude a regional education association from offering additional services to ~~its member districts~~.

**SECTION 8.** A new section to chapter 15.1-13 of the North Dakota Century Code is created and enacted as follows:

**Teaching license - Reading instruction competency.**

1. The board shall ensure a candidate for teacher licensure demonstrates competencies in beginning reading instruction based on scientifically and research-based best practices. Competencies must include the acquisition of knowledge of the essential components of beginning reading instruction, including:
  - a. Phonemic awareness;
  - b. Phonics;
  - c. Fluency;
  - d. Vocabulary;
  - e. Comprehension;
  - f. How to assess student reading ability; and
  - g. How to identify and correct reading difficulties.
2. A prekindergarten, kindergarten, elementary, and special education initial teacher licensure candidate must complete at least nine semester hours of reading which include a focus on the components under subsection 1.
3. A prekindergarten through grade twelve and a secondary education initial teacher licensure candidate must complete at least three semester hours of reading in the content area to be taught which includes a focus on vocabulary, comprehension, and writing.
4. A teacher licensure candidate satisfies the requirements of this section if the candidate demonstrates the candidate has received training in competencies related to reading instruction from an accredited or approved program, or demonstrates mastery of the topics provided under subsection 1. The board may issue a provisional license for up to two years to a teacher licensure candidate who does not meet the requirements of this section.

**SECTION 9. AMENDMENT.** Section 15.1-20-01 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-20-01. Compulsory attendance.**

1. Any person having responsibility for a child between the ages of seven and sixteen years shall ensure that the child is ~~in attendance at~~attends a public school for the duration of each school year.
2. If a person enrolls a child of age six in a public school, the person shall ensure ~~that the child is in attendance at~~attends the public school for the duration of each school year. The person may withdraw a child of age six from the public school. However, once the child is withdrawn, the person may not re-enroll the child until the following school year. This subsection

does not apply if the reason for the withdrawal is the child's relocation to another school district.

3. This section does not apply if a child is exempted under the provisions of section 15.1-20-02.
4. The attendance of students participating in virtual instruction must be verified by monitoring the student's progress on academic pacing guides developed by the school district to ensure students are in attendance and receiving sufficient curricular instruction, as defined in rules adopted by the superintendent of public instruction.

**SECTION 10.** A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

**Reading curriculum - Content - Professional development - Reports to legislative management.**

1. Beginning July 1, 2022, each school district and nonpublic school shall ensure the portion of its curriculum which is related to reading:
  - a. Is scientifically based, evidence based, and research based;
  - b. Focuses on:
    - (1) Phonemic awareness;
    - (2) Phonics;
    - (3) Fluency;
    - (4) Vocabulary; and
    - (5) Comprehension; and
  - c. Uses systematic direct instruction for students in kindergarten through grade three to ensure all students obtain necessary early reading skills.
2. Before the 2022-23 school year, each teacher who teaches kindergarten through grade three at a school district or nonpublic school, and each principal of a public or nonpublic school with kindergarten through grade three, shall attend teacher-approved, professional development training that includes training in the topics provided under subsection 1.
3. Each teacher or principal hired by a school district or nonpublic school that provides instruction in kindergarten through grade three shall complete the training under subsection 2, or demonstrate mastery of the topics provided under subsection 1, within one year of the teacher's or principal's first year of placement in the grade level or at the school.
4. To be approved by the superintendent of public instruction, each public and nonpublic school shall certify to the superintendent of public instruction that the district or school:
  - a. Ensures the placement of highly effective teachers in kindergarten through grade three;

- b. Has integrated reading instruments used to diagnose reading development and comprehension; and
- c. Has integrated evidence-based resources to support reading development and comprehension.
- 5. The superintendent of public instruction shall provide ongoing assistance to school districts and nonpublic schools to be in and maintain compliance with this section.
- 6. The superintendent of public instruction, in collaboration with the kindergarten through grade twelve education coordination council, shall adopt rules to implement this section, including rules to monitor implementation and compliance with this section.
- 7. The superintendent of public instruction shall provide periodic reports to the legislative management on the implementation and effectiveness of this section in improving educational outcomes and reading competency of students."

Page 9, remove lines 11 through 14

Page 12, line 10, after "thousand" insert "one hundred"

Page 12, line 16, after "thousand" insert "one hundred"

Page 12, line 22, overstrike "thirty-six" and insert immediately thereafter "two hundred thirty-seven"

Page 12, line 29, overstrike "thirty-six" and insert immediately thereafter "two hundred thirty-seven"

Page 19, line 12, after "thousand" insert "one hundred"

Page 19, line 18, after "thousand" insert "one hundred"

Page 19, line 24, overstrike "thirty-six" and insert immediately thereafter "two hundred thirty-seven"

Page 19, line 31, overstrike "thirty-six" and insert immediately thereafter "two hundred thirty-seven"

Page 23, replace lines 25 through 29 with:

**"SECTION 13. AMENDMENT.** Section 15.1-27-35 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-35. Average daily membership - Calculation.**

- 1. Average daily membership is calculated at the conclusion of the school year by adding the total number of hours that each student in a given grade, school, or school district is in attendance at the school's physical plant during a school calendar and the total number of hours that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by:
  - a. Nine hundred sixty-two and one-half hours for elementary school students; or

- b. One thousand fifty hours for middle and high school students.
- 2. For purposes of calculating average daily membership:
  - a. A student enrolled full time in any grade from one through twelve may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.
  - b. A student enrolled full time in an approved regular education kindergarten program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.
  - c. A student enrolled full time, as defined by the superintendent of public instruction, in an approved early childhood special education program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.
  - d. A student enrolled full time in virtual instruction is calculated at an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

**SECTION 14. AMENDMENT.** Section 15.1-31-07 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-31-07. Students not subject to this chapter.**

- 1. If a student, as a result of a school district dissolution or reorganization, resides in a district other than the one the student chooses to attend at the time of the dissolution or reorganization, the student is not subject to this chapter and may attend school in the chosen school district.
- 2. If a student resides in a district other than the one the student is enrolled in for purposes of receiving virtual instruction, the student is not subject to this chapter unless a cost-sharing agreement is established between the school district of residence and the receiving district.

**SECTION 15. LEGISLATIVE MANAGEMENT STUDY - TRANSITION MINIMUM REDUCTION.**

- 1. During the 2021-22 interim, the legislative management shall consider studying kindergarten through grade twelve school funding, including transition minimum reduction impacts to reorganized and consolidated school districts. The study must include:
  - a. A review of school districts that have multiple buildings in the district and districts that have built a new building without using traditional bonding methods as a result of a multidistrict reorganization;
  - b. An analysis of high-cost students, including students who are high cost due to special education needs, medical reasons, agency placements, or any other reasons that increase the cost to educate the students beyond the state threshold;
  - c. An ongoing review of the impacts of school districts that are off of the funding formula as they transition onto the formula;

- d. An analysis of human resource allocation and the duties and needs in elementary and secondary school buildings with a targeted focus on student academic health, behavioral health, and social and emotional health; and
  - e. A review of student performance data relevant to students participating in virtual learning.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations to the sixty-eighth legislative assembly.

**SECTION 16. EFFECTIVE DATE.** Section 8 of this Act becomes effective on July 1, 2022."

Renumber accordingly